

REMARKS

Applicants have carefully reviewed the Application in light of the Office Action dated August 18, 2009 ("Office Action"). Claims 1-32 are currently pending in this Application. In order to advance prosecution of this Application, Applicants amend Claims 1, 2, 6, 11, 12, 16, 21, 22, 26, 31, and 32 and cancel the second instance of Claim 20, without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this Application.

Summary of Examiner Interview

Applicants' attorney, Ms. Christa Brown-Sanford (Reg. No. 58,503), conducted a telephonic interview with Examiner Khai Nguyen on November 17, 2009. Applicants thank the Examiner for the courtesy and opportunity to conduct the telephonic interview. Applicants submit this summary of the telephonic interview to record Applicants' understanding of the substance of the interview and to comply with M.P.E.P. § 713.04.

During the interview, the Examiner and the Applicants' attorney discussed the rejected claims. Proposed claim amendments were discussed to advance prosecution of the Application.

Claim Objection

Claim 20 is objected to due to informalities. Applicants cancel the second instance of Claim 20 to correct the informality. Accordingly, Applicants respectfully request withdrawal of the claim objection.

Claims 6 and 16 are also objected to due to informalities. Applicants amend Claims 6 and 16 to correct the informalities. Accordingly, Applicants respectfully request withdrawal of the claim objections.

Section 103 Rejection

Claims 1-2, 4-6, 8, 11-12, 14-16, 18, and 32

Claims 1-2, 4-6, 8, 11-12, 14-16, 18, and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0113077 published by

Bushnell et al. ("Bushnell") in view of U.S. Patent No. 4,790,004 published by Nalbone et al. ("Nalbone"). Applicants respectfully traverse this rejection.

Applicants respectfully submit that the combination of *Bushnell* and *Nalbone* fails to disclose, teach, or suggest, either expressly or inherently, each limitation recited in Applicants' claims. For example, the combination fails to disclose:

wherein data indicating a current status of each of the plurality of users in the CPG comprises at least:

data indicating a bandwidth limitation preventing transfer of the incoming phone call to one or more users in the CPG, wherein bandwidth is available for one or more other users in the CPG to pick up the incoming phone call; and

data indicating a preference of each user with respect to picking up the incoming phone call

as recited in Claim 1. In fact, in the Office Action, the Examiner does not point to any portion of the cited references to reject similar limitations previously recited in Claim 2. *Nalbone* does not correct the deficiencies of *Bushnell*, and the Examiner does not make any assertions to the contrary. For at least this reason, the combination does not disclose, teach, or suggest each and every limitation of Applicants' Claim 1. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 1 and its dependent claims.

Independent Claims 11, 21, 31, and 32 each recite certain limitations that for reasons substantially similar to those discussed with reference to independent Claim 1, the combination of *Bushnell* and *Nalbone* does not disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of Claims 11, 21, 31, and 32 together with their dependent claims.

Claims 7, 9, 10, 17, and 19-31

Claims 7, 9, 10, 17, and 19-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bushnell*, in view of *Nalbone*, and in view of U.S. Patent Application Publication No. 2004/0086102 published by McMurry et al. ("McMurry"). Independent Claim 1, from which Claims 7, 9, and 10 depend, and Independent Claim 11, from which Claims 17, 19, and 20 depend, have been shown above to be patentably distinct from *Bushnell* in view of *Nalbone*. Independent Claims 21 and 31 include the features of Independent Claims 1, 11, and 32 shown above to be patentably distinct from *Bushnell* in view of *Nalbone*. Moreover, *McMurry* does not include any additional disclosure

combinable with *Bushnell* in view of *Nalbone* that would be material to patentability of these claims. Therefore, Applicants respectfully submit that Claims 7, 9, 10, 17, and 19-31 are patentably distinct from the proposed *Bushnell-Nalbone-McMurtry* combination.

Regarding Claims 21 and 31, Applicants have shown above that *Bushnell* in view of *Nalbone* fails to disclose each and every limitation of the independent Claims 1, 11, and 32. Claims 21 and 31 comprise limitations substantially similar to independent Claims 1, 11, and 32. The Examiner's reliance on *McMurtry* does not account for the deficiencies of *Bushnell* and *Nalbone*, and the Examiner does not make any assertions to the contrary. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 21 and 31 along with their dependent claims.

Claims 3 and 13

Claims 3 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Bushnell* in view of *Nalbone*, and in view of U.S. Patent No. 5,371,781 issued to Ardon ("Ardon"). Independent Claim 1, from which Claim 3 depends, and Independent Claim 11, from which Claim 13 depends, have been shown above to be patentably distinct from *Bushnell* in view of *Nalbone*. Moreover, *Ardon* does not include any additional disclosure combinable with *Bushnell* in view of *Nalbone* that would be material to patentability of these claims. Therefore, Applicants respectfully submit that Claims 3 and 13 are patentably distinct from the proposed *Bushnell-Nalbone-Ardon* combination.

No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of the pending claims.

If the Examiner feels that a telephonic conference is needed to clear up matters addressed herein, the undersigned attorney stands ready to discuss this Application at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any other fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTs L.L.P.

Respectfully submitted,
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